

## REMARKS

In response to the Office Action mailed May 26, 2004 and the interview of July 1, 2004 with the Examiner Engle, the application has been carefully reviewed and amended.

**Applicant thanks Examiner Engle for the interview of July 1, 2004.**

### Election/restrictions

Applicant hereby affirms the election with traverse to prosecute the invention of the flange cover of Claims 1-31. Claims 32-44 are withdrawn as being directed to a non-elected invention.

Rejections under 35 USC §102

*Claims 1-6, 8-15 and 17-27*

Claims 1-6, 8-15 and 17-27 stand rejected under 35 USC §102(b) as being anticipated by Ogawa US patent 5,449,544. [Paper mailed 20040514, page 3]

Ogawa discloses a weatherstrip for engaging the flange of an automobile body. As seen in Figures 1 and 2 of Ogawa, the weatherstrip W1 includes a pair of long and short holding pieces, 4 and 5. These holding pieces effectively form a U-shaped channel with unequal length legs for engaging the flange 1.

FIG. 1

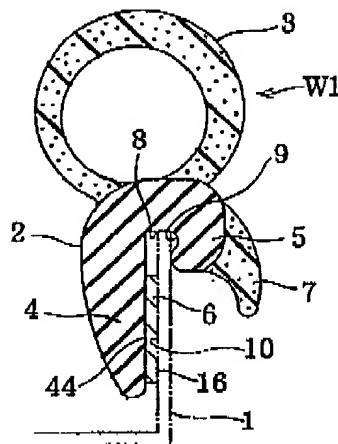
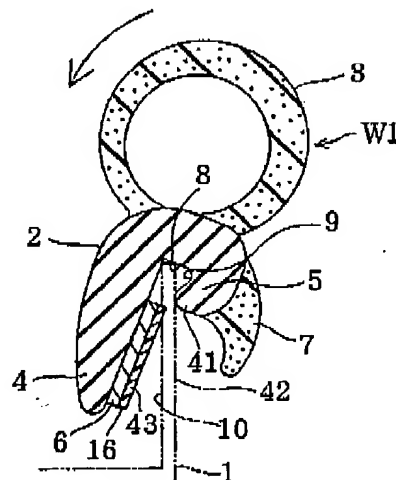


FIG. 2



Further, the claims of the '544 patent further recite that "the second holding piece [5] adapted to contact said flange when said weatherseal is secured to said flange."

With respect to the second holding piece, the '544 patent states:

**The trim portion 2 is provided with a pair of long and 25 short holding pieces, 4 and 5 respectively, for holding flange 1. The long holding piece 4 is provided at its (Col. 4)**

Thus, Ogawa employs a pair of flange engaging legs 4, 5 to hold the flange 1 and retain the weatherstrip W1 relative to the flange.

*Claim 1*

As amended Claim 1 recites, in part "the body precluding operable contact with the second side of the flange".

As set forth in the present application:

A further benefit of the present flange cover 10 is derived from connecting the outer side 16a of the flange 16. Specifically, as the outer side 16a is the registered surface, and the flange cover 10 is independent of the location of the inner side 16b, any sealing member 30 is more accurately located upon installation. [0042]

Further, the weight of the flange cover 10 is reduced by employing only a single leg to engage the flange 16. [0041]

By requiring connection to only a single side of the flange 16, the flange cover 10 can be operably employed on any of a variety of flange thicknesses without distorting the flange cover. [0040]

Thus, the present flange cover allows the trim lip 26 to float relative to the flange...[0040]

Upon operable installation, the flange engaging leg 24 is engaged with the flange 16 so as to be affixed to the first side 16a, and the trim lip 26 extends from the closed end 22 of the body 20, away from the flange such that the free end 28 of the trim lip does not engage the flange. That is, the trim lip 26 is non contacting with the flange 16. [0039]

As the present flange cover 10 engages only a single side of the flange 16 and does not require a secondary installation step such as crimping, the flange cover can be installed subsequent to installation of the interior trim pieces 18. [0039]

Unlike prior devices, the body 20 does not include a U shape flange engaging channel, wherein both legs of the channel engage the flange. In contrast, only the flange engaging leg 24 is affixed to the flange 16, and

the trim lip 26 is configured to project away from and be spaced from the flange. Thus, the trim lip 26 is non contacting with the flange 16. [0028]

Further, referring to Figures 3 and 5 of the present application:

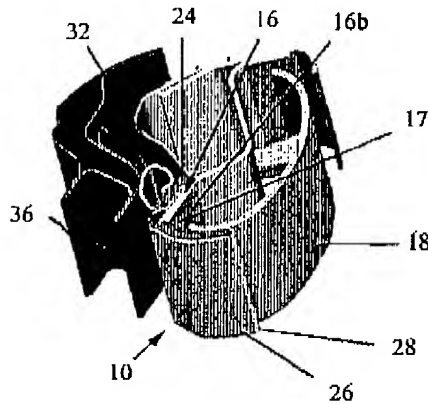


FIGURE 3

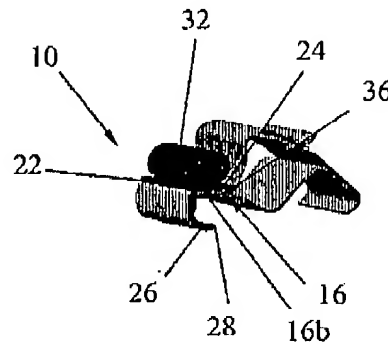


FIGURE 5

As the flange cover 10 engages the flange 16, the trim lip is selected to preclude operable engagement with the flange. That is, as set forth in the written description, the location of the trim lip is independent of the thickness of the flange, and thus floats relative to the flange. The flange cover 10 thereby precludes operable engagement with the second side of the flange 16, such as side 16b.

Therefore, as Claim 1 recites "the body precluding operable contact with the second side of the flange" and Ogawa discloses an operable engagement with both sides of the flange, applicant respectfully submits Ogawa cannot anticipate the claim.

As Claims 2-6 and 8-9 depend from Claim 1, and include all limitations thereof, these claims are also in condition for allowance.

#### *Claim 10*

As amended, independent Claim 10 recites in part, "a flange engaging portion; and ... a trim lip connected to the flange engaging portion, the trim lip having a free end, the trim lip spaced from the second side of the flange along a length of the trim lip to dispose a portion of the flange intermediate the trim lip and the flange engaging portion,

the flange engaging portion and the trim lip selected to preclude operable contact with the second side of the flange.”

As Ogawa employs a pair of spaced legs 4, 5 to contact the two sides of the flange 1, and Claim 10 recites the flange engaging portion and the trim lip preclude operable contact with the second side of the flange, Ogawa cannot sustain the asserted rejection.

As Claims 11-15 and 17-18 depend from Claim 10 and include all the limitations thereof, these claims are also believed in condition for allowance.

*Claim 19*

As amended, independent Claim 19 recites in part, “a single flange engaging leg adapted to engage only the first side of the flange; and (b) a trim lip connected to the single flange engaging leg, the trim lip configured to overlie the terminal edge and be spaced from the second side of the flange to dispose a portion of the flange intermediate the trim lip and preclude operable contact of the flange cover and the second side of the flange.”

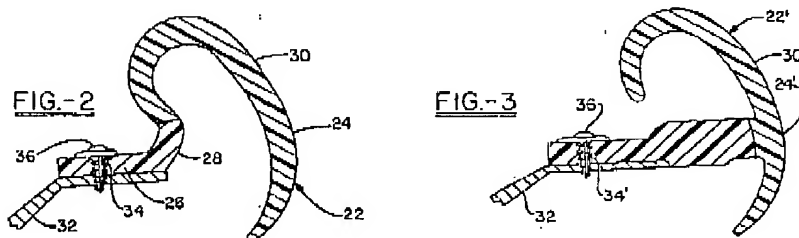
The recited single flange engaging leg which engages only the first side of the flange and the structure of the flange cover precluding operable contact of the flange cover and the second side of the flange are not present in Ogawa. Applicant respectfully submits the flange engaging channel of Ogawa which grabs both sides of the flange cannot anticipate the recited flange cover.

As Claims 20-27 depend from Claim 19 and include all the limitations thereof, these claims are also believed in condition for allowance.

*Claims 28-31*

Claims 28-31 stand rejected under 35 USC §102(b) as being anticipated by Dupuy US patent 5,511,344. [Paper mailed 20040514, page 4]

Dupuy discloses a molded wheelhouse weather seal that engages a flange 32. Specifically,



Dupuy is relied upon to disclose “a spaced interior trim piece (22) ... “(a) a flange cover body (22) [26] ... to locate a portion of the interior trim piece intermediate the trim lip (24) and the second side of the flange (32).”

Claim 28 has been amended to more particularly point out that the “interior trim piece” is separate from the recited flange cover. Specifically, independent Claim 28 recites in part, “a spaced interior trim piece separate from the flange cover.”

As set forth in the present application,

In certain environments, the flange cover 10 can be employed in conjunction with at least one vehicle trim piece 18, wherein the flange cover is constructed to span a distance from the vehicle flange 16 to the vehicle trim piece 18, and preferably overlies a portion of the trim piece. That is, as seen in Figure 3, the flange cover 10 is typically employed in cooperation with an interior trim piece 18 of the vehicle 12. The interior trim piece 18 is usually a separate and independent component from the flange cover 10, and can include headliners, carpets, panels or other trim features, such as but not limited to A-pillar trim, B-pillar trim and quarter panel trim. The interior trim piece 18 is often spaced from the flange 10 by a distance that is often less than 20 mm, usually less than 10 mm and typically approximately 5 mm. Thus, a gap 17 can exist between the flange 16 and the interior trim piece 18. [0024]

Further, referring to Figure 3, the trim lip 26 is preferably sized to span the gap 17 between the flange 16 in the interior trim piece 18 of the vehicle.  
[0032]

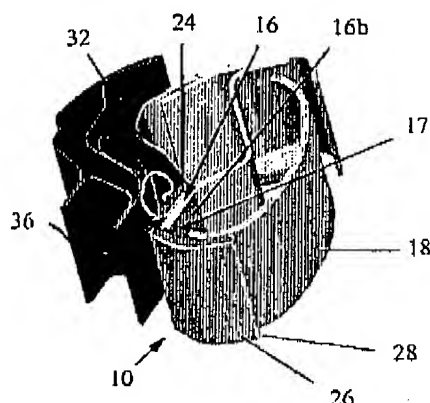


FIGURE 3

Therefore, applicant respectfully submits Dupuy does not disclose the recited interior trim piece.

Independent Claim 28 further recites in part, "a trim lip extending from the flange cover body and locating a portion of the interior trim piece intermediate the trim lip and the second side of the flange." Applicant submits Dupuy does not disclose either the interior trim piece nor a trim lip locating a portion of the interior trim piece intermediate the trim lip and the flange. The absence of at least this limitation precludes Dupuy from anticipating Claim 28.

As Claims 29-31 depend from Claim 28 and include all the limitations thereof, these claims are also in condition for allowance.

#### Rejections Under 35 USC §103

##### *Claims 7 and 16*

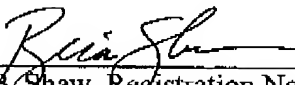
Claims 7 and 16 stand rejected under 35 USC §103 as being unpatentable over Ogawa, et al. It is asserted to have been obvious to place a sealing bulb on the flange engaging leg of Figure 1 of Ogawa, so as to seal the flange with another member.  
[20040514, paragraph 9].

Applicant respectfully submits the amendment to Claim 1 (from which Claim 7 depends) and Claim 10 (from which Claim 16 depends) overcomes the asserted rejection. That is, the lack of operable contact with the second side of the flange is directly contrary to Ogawa and thus cannot sustain the asserted rejection.

In addition, the asserted seal of Ogawa in Figure 1 is a trunk seal. In vehicle trunks, the trunk lid swings downward from an open position to compress the trunk seal from above. There is nothing for the outer surface of the legs of the Ogawa channel to seal against. To include the sealing bulb recited in Claims 7 and 16 in Ogawa would not provide any practical purpose as there is no confronting surface to seal. Therefore, applicant submits the rejection of Claims 6 and 17 cannot be sustained.

Applicant respectfully submits all the pending claims, Claims 1-31, are in condition for allowance and such action is earnestly solicited. If, however, the Examiner feels any further issues remain, she is cordially invited to contact the undersigned so that such matters may be promptly resolved.

Respectfully submitted,

  
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